

106TH CONGRESS  
2D SESSION

# H. R. 4275

To establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2000

Mr. MCINNIS (for himself and Mr. HEFLEY) introduced the following bill;  
which was referred to the Committee on Resources

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## A BILL

To establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Colorado Canyons Na-  
5       tional Conservation Area and Black Ridge Canyons  
6       Wilderness Act of 2000”.

7       **SEC. 2. FINDINGS AND PURPOSE.**

8       (a) FINDINGS.—Congress finds that certain areas lo-  
9       cated in the Grand Valley in Mesa County, Colorado,  
10      should be protected and enhanced for the benefit and en-

1 joyment of present and future generations. These areas  
2 include the following:

3           (1) The areas making up the Black Ridge and  
4       Ruby Canyons of the Grand Valley and Rabbit Val-  
5       ley, which contain unique and valuable scenic, rec-  
6       reational, multiple use opportunities (including graz-  
7       ing), paleontological, natural, and wildlife compo-  
8       nents enhanced by the rural western setting of the  
9       area, provide extensive opportunities for recreational  
10      activities, and are publicly used for hiking, camping,  
11      and grazing, and are worthy of additional protection  
12      as a national conservation area.

13           (2) The Black Ridge Canyons Wilderness Study  
14      Area, which has wilderness value and offers unique  
15      geological, paleontological, scientific, and rec-  
16      reational resources.

17      (b) PURPOSE.—The purpose of this Act is to estab-  
18      lish the Colorado Canyons National Conservation Area  
19      and the Black Ridge Canyons Wilderness.

20 **SEC. 3. DEFINITIONS.**

21      In this Act:

22           (1) CONSERVATION AREA.—The term “Con-  
23      servation Area” means the Colorado Canyons Na-  
24      tional Conservation Area established by section 4(a).

1           (2) COUNCIL.—The term “Council” means the  
2       Colorado Canyons National Conservation Area Advi-  
3       sory Council established under section 8.

4           (3) MANAGEMENT PLAN.—The term “manage-  
5       ment plan” means the management plan developed  
6       for the Conservation Area under section 6(g).

7           (4) MAP.—The term “Map” means the map en-  
8       titled “Colorado Canyons National Conservation  
9       Area and Black Ridge Canyons Wilderness Area  
10      Proposal” and dated April 6, 2000.

11          (5) SECRETARY.—The term “Secretary” means  
12      the Secretary of the Interior, acting through the Di-  
13      rector of the Bureau of Land Management.

14          (6) WILDERNESS.—The term “Wilderness”  
15      means the Black Ridge Canyons Wilderness so des-  
16      ignated in section 5.

17   **SEC. 4. COLORADO CANYONS NATIONAL CONSERVATION**  
18                   **AREA.**

19          (a) IN GENERAL.—There is established the Colorado  
20      Canyons National Conservation Area in the State of Colo-  
21      rado.

22          (b) AREAS INCLUDED.—The Conservation Area shall  
23      consist of approximately 112,450 acres of public land in  
24      the Grand Valley of Colorado, as generally depicted on the  
25      Map.

1 **SEC. 5. BLACK RIDGE CANYONS WILDERNESS**  
2 **DESIGNATION.**

3 Certain lands in Mesa County, Colorado, which com-  
4 prise approximately 70,279 acres as generally depicted on  
5 the Map are hereby designated as wilderness, therefore as  
6 a component of the National Wilderness Preservation Sys-  
7 tem, and which shall be known as the Black Ridge Can-  
8 yons Wilderness.

9 **SEC. 6. MANAGEMENT.**

10 (a) CONSERVATION AREA.—The Secretary shall man-  
11 age the Conservation Area in a manner that—

12 (1) conserves, protects, and enhances the re-  
13 sources of the Conservation Area specified in section  
14 2(a); and

15 (2) is in accordance with—

16 (A) the Federal Land Policy and Manage-  
17 ment Act of 1976 (43 U.S.C. 1701 et seq.); and

18 (B) other applicable law, including this  
19 Act.

20 (b) USES.—The Secretary shall allow only such uses  
21 of the Conservation Area as the Secretary determines will  
22 further the purposes for which the Conservation Area is  
23 established.

24 (c) WITHDRAWALS.—Subject to valid existing rights  
25 (including grazing allotments) and existing rights of ac-  
26 cess, and except as provided in paragraph (2), all Federal

1 land within the Conservation Area and the Wilderness and  
2 all land and interests in land acquired for the Conserva-  
3 tion Area or the Wilderness by the United States are with-  
4 drawn from—

5 (1) all forms of entry, appropriation, or disposal  
6 under the public land laws;

7 (2) location, entry, and patent under the mining  
8 laws; and

9 (3) disposal under the mineral leasing, mineral  
10 materials, and geothermal leasing laws.

11 (d) WILDERNESS.—Subject to valid existing rights,  
12 (including grazing allotments) lands designated as wilder-  
13 ness by this Act shall be managed by the Secretary, as  
14 appropriate, in accordance with the Wilderness Act (16  
15 U.S.C. 1131 et seq.) and this Act, except that, with re-  
16 spect to any wilderness areas designated by this Act, any  
17 reference in the Wilderness Act to the effective date of  
18 the Wilderness Act shall be deemed to be a reference to  
19 the date of the enactment of this Act.

20 (e) STATE JURISDICTION.—Nothing in this Act shall  
21 be construed as affecting the jurisdiction or responsibil-  
22 ities of the State of Colorado with respect to wildlife and  
23 fish in Colorado.

24 (f) GRAZING.—

1           (1) IN GENERAL.—Except as provided by para-  
2           graph (2), the Secretary shall issue and administer  
3           any grazing leases or permits in the Conservation  
4           Area and the Wilderness in accordance with the  
5           same laws (including regulations) and executive or-  
6           ders followed by the Secretary in issuing and admin-  
7           istering grazing leases and permits on other land  
8           under the jurisdiction of the Bureau of Land Man-  
9           agement.

10          (2) GRAZING IN WILDERNESS.—Grazing of live-  
11          stock in the Wilderness shall be administered in ac-  
12          cordance with the provisions of section 4(d)(4) of  
13          the Wilderness Act (16 U.S.C. 1133(d)(4)), in ac-  
14          cordance with the guidelines set forth in Appendix A  
15          of House Report 101–405 of the 101st Congress.

16          (3) ACCESS TO GRAZING LEASES IN WILDER-  
17          NESS AND CONSERVATION AREA.—The Secretary  
18          shall allow motorized access on existing roads and  
19          ways for the administration and maintenance of  
20          grazing allotments, as well as structures and facili-  
21          ties related to those allotments. This paragraph shall  
22          not be construed to require any increase in the fre-  
23          quency or change in the nature of motorized access  
24          with which grazing allotments, or the structures and

1 facilities related to those allotments, were accessed  
2 before the date of the enactment of this Act.

3 (g) MANAGEMENT PLAN.—

4 (1) IN GENERAL.—Not later than 5 years after  
5 the date of the enactment of this Act, the Secretary  
6 shall develop a comprehensive plan for the long-  
7 range protection and management of the Conserva-  
8 tion Area and the Wilderness.

9 (2) PURPOSES.—The management plan shall—

10 (A) describe the appropriate uses and  
11 management of the Conservation Area and the  
12 Wilderness;

13 (B) take into consideration any informa-  
14 tion developed in studies of the land within the  
15 Conservation Area or the Wilderness;

16 (C) provide for the continued management  
17 of the utility corridor, Black Ridge Communica-  
18 tions Site, and the Federal Aviation Adminis-  
19 tration site as such for the land designated on  
20 the Map as utility corridor, Black Ridge Com-  
21 munications Site, and the Federal Aviation Ad-  
22 ministration site; and

23 (D) take into consideration the historical  
24 involvement of the local community in the inter-  
25 pretation and protection of the resources of the

1 Conservation Area and the Wilderness, as well  
2 as the Ruby Canyon/Black Ridge Integrated  
3 Resource Management Plan, dated March  
4 1998, which was the result of collaborative ef-  
5 forts on the part of the Bureau of Land Man-  
6 agement and the local community.

7 (h) NO BUFFER ZONES.—

8 (1) IN GENERAL.—There shall be no protective  
9 perimeter or buffer zone around the Conservation  
10 Area or the Wilderness.

11 (2) ACTIVITIES OUTSIDE CONSERVATION AREA  
12 AND WILDERNESS.—The fact that an activity on  
13 land or a use of land is not permitted inside the  
14 Conservation Area or inside the Wilderness shall not  
15 preclude the activity on land or use of land outside  
16 the boundary of the Conservation Area or the Wil-  
17 derness (or, in the Conservation Area or Wilderness,  
18 on land that is privately held), consistent with other  
19 applicable law. The fact that activities or uses of  
20 land outside of the Conservation Area or Wilderness  
21 can be seen or heard from land within the Conserva-  
22 tion Area or Wilderness shall not preclude such ac-  
23 tivities or uses up to the boundaries of the Conserva-  
24 tion Area or Wilderness. The existence of the Con-  
25 servation Area and the Wilderness may not be used



1 to require a landowner to undertake or implement  
2 any mitigation measures to reduce the effect of such  
3 activities or uses.

4 (i) ACQUISITION OF LAND.—

5 (1) IN GENERAL.—The Secretary may acquire  
6 non-federally owned land within the exterior bound-  
7 aries of the Conservation Area or the Wilderness  
8 only—

9 (A) from a willing seller; and

10 (B) through purchase, exchange, or dona-  
11 tion.

12 (2) MODIFICATION OF BOUNDARY.—On acquisi-  
13 tion of land under paragraph (1), the Secretary shall  
14 modify the boundary of the Conservation Area or the  
15 Wilderness, as the case may be, to include the ac-  
16 quired land.

17 (3) MANAGEMENT.—Land acquired under para-  
18 graph (1) shall be managed as part of the Conserva-  
19 tion Area or the Wilderness, as the case may be, in  
20 accordance with this Act.

21 (j) INTERPRETIVE SITES.—The Secretary may estab-  
22 lish sites in the Conservation Area to interpret the histor-  
23 ical, paleontological, and natural resources of the Con-  
24 servation Area.

25 (k) WATER RIGHTS.—

1           (1) RESERVED WATER RIGHTS.—Nothing in  
2       this Act constitutes an express or implied reserva-  
3       tion of any water right.

4           (2) COLORADO WATER LAW.—The Secretary  
5       shall follow the procedural and substantive require-  
6       ments of the laws of the State of Colorado with re-  
7       spect to water rights relating to the Conservation  
8       Area or Wilderness.

9           (3) BOUNDARIES ALONG COLORADO RIVER.—  
10      Neither the Conservation Area nor the Wilderness  
11      shall include any part of the Colorado River or any  
12      land within the 100-year flood plain of the Colorado  
13      River.

14   **SEC. 7. MAPS AND LEGAL DESCRIPTIONS.**

15      (a) IN GENERAL.—Not later than 30 days after the  
16      date of the enactment of this Act, the Secretary shall sub-  
17      mit to Congress a copy of the Map and a legal description  
18      of the Conservation Area and of the Wilderness.

19      (b) FORCE AND EFFECT.—The Map and legal de-  
20      scriptions shall have the same force and effect as if in-  
21      cluded in this Act, except that the Secretary may correct  
22      clerical and typographical errors in the Map and the legal  
23      descriptions.

1 (c) PUBLIC AVAILABILITY.—Copies of the Map and  
2 the legal descriptions shall be on file and available for pub-  
3 lic inspection in—

4 (1) the Office of the Director of the Bureau of  
5 Land Management;

6 (2) the Grand Junction District Office of the  
7 Bureau of Land Management in Colorado; and

8 (3) the appropriate office of the Bureau of  
9 Land Management in Colorado, if the Grand Junc-  
10 tion District Office is not deemed the appropriate of-  
11 fice.

12 (d) MAP CONTROLLING.—Subject to section 6(k)(3),  
13 in the case of a discrepancy between the Map and the de-  
14 scriptions, the Map shall control.

15 **SEC. 8. ADVISORY COUNCIL.**

16 (a) ESTABLISHMENT.—Not later than 6 months after  
17 the date of the enactment of this Act, the Secretary shall  
18 establish an advisory council to be known as the “Colorado  
19 Canyons National Conservation Area Advisory Council”.

20 (b) DUTY.—The Council shall advise the Secretary  
21 with respect to preparation and implementation of the  
22 management plan, including budgetary matters, for the  
23 Conservation Area and the Wilderness.

24 (c) APPLICABLE LAW.—The Council shall be subject  
25 to—

1 (1) the Federal Advisory Committee Act (5  
2 U.S.C. App.); and

3 (2) the Federal Land Policy and Management  
4 Act of 1976 (43 U.S.C. 1701 et seq.).

5 (d) MEMBERS.—The Council shall consist of 10  
6 members, to be appointed by the Secretary, as follows:

7 (1) A member of or nominated by the Mesa  
8 County Commission.

9 (2) A member nominated by the permittees  
10 holding grazing allotments within the Conservation  
11 Area or the Wilderness.

12 (3) A member of or nominated by the North-  
13 west Resource Advisory Council.

14 (4) 7 members residing in, or within reasonable  
15 proximity to, the Grand Valley of Colorado with rec-  
16 ognized backgrounds reflecting—

17 (A) the purposes for which the Conserva-  
18 tion Area or Wilderness was established; and

19 (B) the interests of the stakeholders that  
20 are affected by the planning and management  
21 of the Conservation Area and the Wilderness.

22 **SEC. 9. PUBLIC ACCESS.**

23 (a) IN GENERAL.—The Secretary shall continue to  
24 allow private landowners access to inholdings in the Con-  
25 servation Area and Wilderness.

1       (b) GLADE PARK.—The Secretary shall continue to  
2 allow public right of access, including commercial vehicles,  
3 to Glade Park, Colorado, in accordance with the decision  
4 in Board of County Commissioners of Mesa County v.  
5 Watt (634 F. Supp. 1265 (D.Colo.; May 2, 1986)).

6 **SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

7       There are authorized to be appropriated such sums  
8 as are necessary to carry out this Act.

○